

06/26/03  
16569 U.S. PTO

SD7161.1/S102246

June 26, 2003

Express Mail No.: EV332387142US

COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

16424 U.S. PTO  
10/609294  
06/26/03

**UTILITY PATENT APPLICATION TRANSMITTAL**  
**Under 37 CFR 1.53(b)**

Transmitted herewith for filing is the patent application of

INVENTOR(S): John F. Klem

FOR: Distributed Bragg Reflectors with Reduced Optical Absorption

**I. APPLICATION ELEMENTS**

1. ☒ Fee Transmittal Form (original + duplicate)
2. ☒ Specification  
Total Pages 16
3. ☒ Drawings  
Total Sheets 2
4. ☒ Oath or Declaration (with Power of Attorney) Total Pages 2
  - a. ☒ Newly Executed
  - b. ☐ Copy from Prior Application  
(Continuation or Divisional)

☐ Deletion of Inventors  
Signed Statement Attached Deleting Inventor(s) named in  
prior Application. 37 CFR 1.63(d)(2) and 1.33(b).
5. ☐ Incorporation by Reference (if Box 4b is checked). The entire  
disclosure of the prior application(s) from which a copy of the  
Oath or Declaration is supplied under Box 4b, is considered as  
being part of the disclosure of the accompanying application and  
is hereby incorporated by reference therein.
6. ☐ Microfiche Computer Program (Appendix)

## II. ACCOMPANYING APPLICATION PARTS

- |     |                                     |  |   |
|-----|-------------------------------------|--|---|
| 7.  | <input type="checkbox"/>            | Assignment Papers (cover sheet and document(s))          |   |
| 8.  | <input type="checkbox"/>            | 37 CFR 3.73(b) Statement<br>(where there is an assignee) | <input checked="" type="checkbox"/> Power of Attorney<br>(with the Declaration) |
| 9.  | <input checked="" type="checkbox"/> | Information Disclosure Statement<br>(IDS)/PTO-1449       | <input checked="" type="checkbox"/> Copies of IDS<br>Citations                  |
| 10. | <input type="checkbox"/>            | Preliminary Amendment                                    |   |
| 11. | <input checked="" type="checkbox"/> | Return Receipt Postcard (Itemized)                       |   |
| 12. | <input checked="" type="checkbox"/> | Nonpublication Request Under 35 U.S.C. 122(b)(2)(B)(i)   |   |

## III. IF A CONTINUING APPLICATION

☐ Continuation    ☐ Divisional    ☒ Continuation-in-Part (CIP)

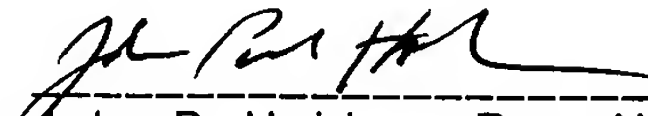
of prior application No. 10/217,803

## IV. CORRESPONDENCE ADDRESS

Sandia National Laboratories  
P. O. Box 5800 - MS-0161  
Albuquerque, New Mexico 87185-0161  
Phone: (505) 845-8124  
FAX: (505) 844-1218

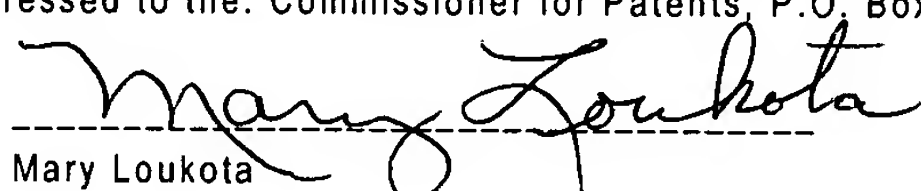
Dated: \_\_\_\_\_

June 26, 2003

  
\_\_\_\_\_  
John P. Hohimer Reg. No. 39,226  
Sandia National Laboratories  
Intellectual Property Center, 11500  
P. O. Box 5800 / MS 0161  
Albuquerque, NM 87185-0161  
Telephone: (505) 844-4007

### CERTIFICATION UNDER 37 CFR 1.10


I hereby certify that this New Application Transmittal and the documents referred to as enclosed therein are being deposited with the U. S. Postal Service on, 6/26/03, in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EV332387142US addressed to the: Commissioner for Patents, P.O. Box 1450, Arlington, VA 22313-1450

  
\_\_\_\_\_  
Mary Loukota

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>FEE TRANSMITTAL FOR FY 2003</b>  <small>Patent fees are subject to annual revision. Small Entity payments <u>must</u> be supported by a small entity statement, Otherwise large entity fees must be paid. See Forms PTO/SB/09-12.</small>	<b>Complete if Known</b>		
	Application Number		
	Filing Date	June 26, 2003	
	First Named Inventor	John F. Klem	
	Examiner Name		
Group / Art Unit			
TOTAL AMOUNT OF PAYMENT	(\$) <b>804.00</b>	Attorney Docket No.	SD7161.1S102246

<b>METHOD OF PAYMENT (check one)</b>  The Commissioner is hereby authorized to charge 1. <input checked="" type="checkbox"/> Indicated fees and credit any over payments to: Deposit Account Number <b>Sandia National Labs</b> Deposit Account Name <b>19-0131</b>  <input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 2. Payment Enclosed: <input type="checkbox"/> Check <input type="checkbox"/> Money Order <input type="checkbox"/> Other	<b>FEE CALCULATION</b>  <b>1. BASIC FILING FEE</b> <table border="1"><thead><tr><th>Large Fee Code</th><th>Entity Fee (\$)</th><th>Small Fee Code</th><th>Entity Fee (\$)</th><th>Fee Description</th><th>Fee Paid</th></tr></thead><tbody><tr><td>1001</td><td>750</td><td>2001</td><td>375</td><td>Utility filing fee</td><td><b>750</b></td></tr><tr><td>1002</td><td>330</td><td>2002</td><td>165</td><td>Design filing fee</td><td></td></tr><tr><td>1003</td><td>520</td><td>2003</td><td>260</td><td>Plant filing fee</td><td></td></tr><tr><td>1004</td><td>750</td><td>2004</td><td>375</td><td>Reissue filing fee</td><td></td></tr><tr><td>1005</td><td>160</td><td>2005</td><td>80</td><td>Provisional filing fee</td><td></td></tr><tr><td colspan="5">SUBTOTAL (1)</td><td><b>\$ 750</b></td></tr></tbody></table> <b>2. EXTRA CLAIM FEES</b> <table border="1"><thead><tr><th colspan="2">Extra Claims</th><th>Fee from below</th><th>Fee Paid</th></tr></thead><tbody><tr><td>Total Claims <b>23</b></td><td>-20**= <b>3</b></td><td>X <b>18</b></td><td>= <b>54.00</b></td></tr><tr><td>Independent Claims <b>3</b></td><td>- 3**= <b>0</b></td><td>X <b>84</b></td><td>= <b>0</b></td></tr><tr><td>Multiple Dependent</td><td></td><td></td><td>= <b>54.00</b></td></tr></tbody></table> <small>**or number previously paid, if greater; For Reissues, see below.</small> <table border="1"><thead><tr><th>Large Fee Code</th><th>Entity Fee (\$)</th><th>Small Fee Code</th><th>Entity Fee (\$)</th><th>Fee Description</th></tr></thead><tbody><tr><td>1202</td><td>18</td><td>2202</td><td>9</td><td>Claims in excess of 20</td></tr><tr><td>1201</td><td>84</td><td>2201</td><td>42</td><td>Independent claims in excess of 3</td></tr><tr><td>1203</td><td>280</td><td>2203</td><td>40</td><td>Multiple dependent claim, if not paid</td></tr><tr><td>1204</td><td>84</td><td>2204</td><td>42</td><td>**Reissue independent claims over original patent</td></tr><tr><td>1205</td><td>18</td><td>2205</td><td>9</td><td>**Reissue claims in excess of 20 and over original patent</td></tr></tbody></table> SUBTOTAL (2) <b>(\$)54.00</b>	Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid	1001	750	2001	375	Utility filing fee	<b>750</b>	1002	330	2002	165	Design filing fee		1003	520	2003	260	Plant filing fee		1004	750	2004	375	Reissue filing fee		1005	160	2005	80	Provisional filing fee		SUBTOTAL (1)					<b>\$ 750</b>	Extra Claims		Fee from below	Fee Paid	Total Claims <b>23</b>	-20**= <b>3</b>	X <b>18</b>	= <b>54.00</b>	Independent Claims <b>3</b>	- 3**= <b>0</b>	X <b>84</b>	= <b>0</b>	Multiple Dependent			= <b>54.00</b>	Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	1202	18	2202	9	Claims in excess of 20	1201	84	2201	42	Independent claims in excess of 3	1203	280	2203	40	Multiple dependent claim, if not paid	1204	84	2204	42	**Reissue independent claims over original patent	1205	18	2205	9	**Reissue claims in excess of 20 and over original patent	<b>3. 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<b>SUBMITTED BY</b>				<b>Complete (if applicable)</b>	
Typed or Printed Name	John P. Hohimer			Reg. Number	39,226
Signature				Deposit Account User ID	19-0131
	Date	6/26/03			

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

<b>NONPUBLICATION REQUEST UNDER 35 U.S.C. 122(b)(2)(B)(i)</b>	First Named Inventor		John F. Klem
	Title	Distributed Bragg Reflectors with Reduced Optical Absorption	
	Atty Docket Number		SD7161.1/S102246

I hereby certify that the invention disclosed in the attached application **has not and will not** be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

June 26, 2003  
Date

  
Signature

John P. Hohimer  
Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Application may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**